IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14099 of 1994

Between:

K.Ramavathi W/o.Dr.K.S.N.Raju
Vishnu Nursing Home R/o.8-2-248/1/7/142
Panjagutta Hyderabad.

..... PETITIONER

AND

1 The Managing Director Hyderabad Metropolitan Water Supply & Sewerage Board, Khairatabad Hyderabad.
2 The Executive Engineer Water Supply and Sewerage Maintenance Divn. No.VI, Sanjeeve Reddy Nagar Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the collection of Minimum of water charges of Rs.1500 P.M. in Multi Storied Building (where more than 30% date 27-3-93 with effect from 1-4-93 as void, illegal, arbitrary, excessive and capricious and to issue a consequential direction to return or adjust the excess amount collected from the petitioner with effect from 1-4-1993 and to pass such other order or orders.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for respondent No.2 : Smt.M.Venkateswari

The Court made the following :

ORAL ORDER:

The petitioner herein is the owner of multi-storied building with ground plus two floors and her husband is running a Nurshing Home in the said building. While they were paying Rs.250/- to Rs.300/- per month on average, depending on the units of consumption of water, the respondent issued Board Proceedings No.34 dated 27-3-1993 fixing the minimum water charges at Rs.1500/- per month in respect of multi-storied complexes with commercial activity. The grievance of the petitioner is that their average monthly bill of water charges never exceeded Rs.300/- and therefore fixing the minimum charges at Rs.1500/- is on higher side. Hence, this writ petition.

The 2nd respondent filed counter affidavit inter alia stating the after filing of the writ petition, number Board Proceedings have been issued, the latest one, which is in force, being B.P.No.114 dated 22-5-2002 and according to which the owner of the multistoried building, be it commercial or residential, is liable to pay @ Rs.6/- per kilo liter up to 30 units, Rs.10/- from 30 units to 200 units, Rs.25/- per unit from 200 units to 500 units and if the consumption exceeds 500 units, Rs.25/- per unit on the total consumption. Therefore, it is submitted that no cause of action survives in this writ petition.

Heard both sides.

Having regard to the fact that as per the Board Proceedings No.114 dated 22-5-2002, which is in force as on date, the owner of a multistoried building has to pay at the rates prescribed per kilo liter depending on the consumption, irrespective of the usage of the building – whether it is commercial or residential, as mentioned above, the petitioner cannot have any grievance subsisting.

Hence, the writ petition is dismissed as having become infructuous. No costs.

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24-8-2004

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To

1 The Managing Director Hyderabad Metropolitan Water Supply & Sewerage Board, Khairatabad Hyderabad.
2 The Executive Engineer Water Supply and Sewerage Maintenance Divn. No.VI, Sanjeeve Reddy Nagar Hyderabad.

3. Two C.Cs. to the G.P. for Municipal Administration and Urban Development, High Court Buildings (O.U.T)

4. Two C.D. Copies